

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

A. BRAD MILLER,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Case No. 4:13cv749
	§	(Judge Clark/Judge Mazzant)
OCWEN LOAN SERVICING, LLC,	§	
DEUTSCHE BANK TRUST	§	
COMPANY AMERICAS, as Trustee	§	
For Residential Accredit Loans, Inc.,	§	
Asset-Backed Pass Through	§	
Certificates, Series 2005-QA8,	§	
HOMEcomings FINANCIAL, LLC	§	
f/k/a HOMEcomings FINANCIAL	§	
NETWORK, INC.,	§	
	§	
<i>Defendants.</i>	§	

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 9, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the Amended Motion of Various Defendants to Dismiss Plaintiff's Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. #20] be denied. Defendants filed objections on June 24, 2014 [Doc. #42]. Plaintiff filed a response to Defendants' objections [Doc. #43], and Defendants filed a reply [Doc. #44].

The court, having made a *de novo* review of the objections raised by Defendants, as well as the response and reply, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the

findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that the Amended Motion of Various Defendants to Dismiss Plaintiff's Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. #20] is **DENIED**.

So **ORDERED** and **SIGNED** this **14** day of **August, 2014**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge